

§ 34.21

condition to its approval and the extension of any Federal financial assistance under JTPA pursuant to the application, provide a statement that the JTPA-funded program or activity is (or, in the case of a new JTPA-funded program or activity, will be) conducted in compliance with the nondiscrimination and equal opportunity provisions of JTPA and this part. The State shall certify that it has developed and maintains a Methods of Administration pursuant to § 34.33.

(c) *Duration and scope of obligation.* (1) Where the Federal financial assistance under JTPA is to provide or is in the form of personal property or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or (in the case of a subsequent transfer) the transferee, for the period during which the property is used for a purpose for which Federal financial assistance under JTPA is extended, or for as long as the recipient retains ownership or possession of the property, whichever is longer.

(2) In all other cases, the assurance shall obligate the recipient for the period during which Federal financial assistance under JTPA is extended.

(d) *Covenants.* (1) Where Federal financial assistance under JTPA is provided in the form of a transfer of real property, structures, or improvements thereon, or interests therein, the instrument effecting or recording the transfer shall contain a covenant assuring nondiscrimination and equal opportunity for the period during which the real property is used for a purpose for which the Federal financial assistance under JTPA is extended.

(2) Where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of Federal financial assistance under JTPA, the recipient shall include such covenant described in paragraph (d)(1) of this section in the instrument effecting or recording any subsequent transfer of such property.

(3) When the property is obtained from the Federal Government, such covenant described in paragraph (d)(1) of this section may also include a condition coupled with a right of reverter

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to the Department in the event of a breach of the covenant.

§ 34.21 Equitable services.

Recipients shall make efforts to provide equitable services among substantial segments of the population eligible for participation in JTPA. Such efforts shall include but not be limited to outreach efforts to broaden the composition of the pool of those considered for participation, to include members of both sexes, the various race/ethnicity and age groups, and individuals with disabilities.

§ 34.22 Designation of Equal Opportunity Officer.

(a) A recipient, other than a small recipient or service provider as defined in § 34.2, shall designate an Equal Opportunity Officer to coordinate its responsibilities under this part. Such responsibilities include, but are not limited to, serving as the recipient's liaison with the Directorate and overseeing the development and implementation of the Methods of Administration pursuant to § 34.33. The Equal Opportunity Officer shall report on equal opportunity matters directly to the State JTPA Director, Governor's JTPA Liaison, Job Corps Center Director, SESA Administrator, or chief executive officer of the SDA or substate grant recipient, as applicable. The Director may require the Equal Opportunity Officer and his or her staff to undergo training, the expenses of which shall be the responsibility of the recipient. The recipient shall make public the name, title of position, address and telephone number of the Equal Opportunity Officer.

(b) Recipients shall assign sufficient staff and resources to the Equal Opportunity Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of JTPA and this part.

(c) Small recipients shall designate an individual responsible for the adoption and publication of complaint procedures and the processing of complaints pursuant to § 34.42.

(d) Service providers as defined by § 34.2 shall not be required to designate

an Equal Opportunity Officer. The responsibility for ensuring service provider compliance with the non-discrimination and equal opportunity provisions of JTPA and this part shall rest with the Governor, SDA grant recipient or Substate grantee, as provided in the State's Methods of Administration.

§ 34.23 Dissemination of policy.

(a) *Initial and Continuing Notice.* (1) A recipient shall provide initial and continuing notice that it does not discriminate on any prohibited ground, to: Applicants, eligible applicants, participants, applicants for employment, employees, and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient.

(2) The notice requirement imposed pursuant to paragraph (a)(1) of this section requires, at a minimum, that the notice specified in paragraph (a)(5) of this section be: posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written communications; included in handbooks or manuals; and made available to each participant and made a part of the participant's file. The required notice to the public applicable to generally-distributed publications is contained in paragraph (b) of this section.

(3) The recipient shall provide that the initial and continuing notice required by paragraph (a) of this section be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given shall be made a part of the participant's file.

(4) The notice required by paragraph (a) of this section must be provided within 90 days of the effective date of this part or of the date this part first applies to the recipient, whichever comes later.

(5) The notice required by paragraph (a) of this section shall contain the following prescribed language:

EQUAL OPPORTUNITY IS THE LAW

This recipient is prohibited from discriminating on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in programs funded under the Job Training Partnership Act, as amended (JTPA), in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any JTPA-funded program or activity. If you think that you have been subjected to discrimination under a JTPA-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient's Equal Opportunity Officer (or the person designated for this purpose), or you may file a complaint directly with the Director, Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue NW., room N-4123, Washington, DC 20210. If you elect to file your complaint with the recipient, you must wait until the recipient issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR (see address above). If the recipient has not provided you with a written decision within 60 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60-day period. If you are dissatisfied with the recipient's resolution of your complaint, you may file a complaint with DCR. Such complaint must be filed within 30 days of the date you received notice of the recipient's proposed resolution.

(6) The Governor, the SDA grant recipient or the Substate grantee, as determined by the Governor in that State's Methods of Administration, shall be responsible for meeting the notice requirement of paragraph (a) of this section with respect to its service providers.

(7) Recipient's responsibility to provide notice. Whenever a recipient passes on Federal financial assistance under JTPA to another recipient, the recipient passing on such assistance shall provide the recipient receiving the assistance with the notice prescribed in paragraph (a)(5) of this section.

(b) *Publications.* (1) In recruitment brochures and other materials which are ordinarily distributed to the public to describe programs funded under JTPA or the requirements for participation by recipients and participants, recipients shall indicate that the JTPA-funded program or activity in